

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>FIRSTMERIT BANK, N.A.</b> , a national banking	)	
association, as successor in interest to the FDIC,	)	
as receiver for Midwest Bank and Trust Company,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 13 C 6571
	)	
<b>STAVE PROPERTIES, INC.;</b> et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Defendants Stave Properties, Inc., Joseph Betancourt and Robert Ferrari, Sr. have just filed their Corrected Memorandum in Opposition to Plaintiff's Motion for Summary Judgment, identifying a number of respects in which they characterize the monetary claim of plaintiff FirstMerit Bank, N.A. ("FirstMerit") as posing genuine issues of material fact as to the accuracy of FirstMerit's calculations. This Court has already put the litigants to the task of seeking to resolve as many of those factual disputes as possible, so as to minimize this Court's task in deciding whether or not FirstMerit is fully entitled to summary judgment.

In the interim, however, one thing is plain from Defendants' Corrected Memorandum, just as it was from the original memorandum that it replaces. There is no dispute as to defendants' liability, even though its quantification remains for the future. Accordingly FirstMerit's motion for summary judgment is granted as to liability only, leaving open for the future the question of the amount to which FirstMerit is entitled.



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Milton I. Shadur  
Senior United States District Judge

Date: October 30, 2014